

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

CR- 07-000017-001

October 2, 2007
10:40 a.m.

UNITED STATES OF AMERICA -v- YANG, JIAN ZHONG

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
LYNN LEMIEUX, Courtroom Deputy
ERIC O'MALLEY, Assistant U. S. Attorney
TIMOTHY BELLAS, Counsel for Defendant
YANG, JIAN ZHONG, Defendant

PROCEEDING: SENTENCING

Defendant was present with his counsel, Attorney Timothy Bellas. Government by Eric O'Malley, AUSA. Also present was U.S. Probation Officer, Melinda Brunson.

Perry Lo was present and sworn as interpreter/translator of the Mandarin language.

No objection by the government of the presentence report. Counsel for defendant had objections to facts as stated in the PSI.

Attorney Bellas called witness:

DEBORAH MUUSERS. (DEA Agent). DX. CX by Government. Witness was excused at 11:15 a.m.

Attorney Bellas called witness:

YANG, JIAN ZHONG (Defendant). DX. CX by Government. Witness stepped down from the witness stand.

Government called witness:

DEBORAH MUUSERS. DX. Witness was excused at 11:38 a.m.

Attorney Bellas presented his argument on the disputed facts on behalf of the defendant and moved that the Sentencing Guideline Range be reduced to a Level 21. Government argued.

Court, after hearing all argument, ordered that the 2 point enhancement was appropriate.

Court adopted the presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government moved for a sentence of 5 years and three months imprisonment. Defense moved for a sentence of 57 months imprisonment or at the low end of the guidelines.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **YANG, JIAN ZHONG** is hereby sentenced to **60 months** imprisonment. Upon release from imprisonment, the defendant is ordered to serve a term of supervised release of four years which will include the following conditions:

1. The defendant shall be delivered to a duly authorized immigration official for deportation proceedings pursuant to 18 U.S.C. § 3583 (d), and with the established procedures provided by the Immigration and Naturalization Act under 8 U.S.C. § 1101. As a further condition of supervised release, if deported, the defendant shall remain outside the United States and re-enter without the permission of the Secretary of the Department of Homeland Security. If deportation does not occur and the defendant is released from confinement pending further immigration proceedings, he shall immediately report to the U.S. Probation Office to begin his term of supervised release;
2. The defendant shall not commit another federal, state, or a local crime;
3. The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. He shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter. Further, the defendant shall submit to a maximum of eight drug tests per month, as directed by the probation officer;
4. The defendant shall submit to a collection of a DNA sample at the direction of the U.S. Probation Office;
5. The defendant shall comply with the conditions of supervision as adopted by this Court;
6. The defendant shall be prohibited from possessing a firearm or other dangerous weapon as defined by federal, state, or local law, or have such weapon where he resides;
7. That the defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol. The defendant shall also make co-payment for the program at a rate to be determined by the U.S. Probation Office;

8. The defendant shall refrain from the use of any alcohol during the period of his supervision; and
9. The defendant shall complete 200 hours of community service under the direction of the U.S. Probation Office.

Court ordered that all fines be waived due to the defendant's inability to pay.

Further, the defendant was ordered to pay a special assessment fee of \$100.00.

Court further ordered that the defendant participate in the 500 hour drug rehabilitation program offered by the Bureau of Prisons.

No objection to the sentence by the attorneys. Defendant was advised that he had previously waived his right to appeal the sentence in this case but that if he or his attorney find any other reason in which to appeal that he had ten days in which to do so. Further, the defendant was advised of his right to an attorney for appeal and that the Court will appoint an attorney if he could not afford one.

Government moved to dismiss Counts II through VII of the indictment. Court so ordered.

Defendant was remanded into the custody of the U.S. Marshal.

Adj. 12:15 p.m.

/s/ Lynn Lemieux, Courtroom Deputy